

BEFORE

THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 92-289-T - ORDER NO. 93-10 ✓

JANUARY 12, 1993

IN RE: Application of Slay Transportation	)	ORDER
Company, Inc., #2 Monsanto Avenue,	)	GRANTING IN
Sauget, IL 62201 for a Class E Certi-	)	PART AND
ficate of Public Convenience and	)	DENYING IN
Necessity.	)	PART SLAY
	)	TRANSPORTATION
	)	COMPANY, INC.'S
	)	DISCOVERY MOTIONS

This matter is before the Public Service Commission of South Carolina (the Commission) on Slay Transportation Company, Inc.'s (the Applicant's or Slay's) Motion to Compel Responses to Interrogatories and Request for Production of Documents,<sup>1</sup> Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents from Infinger Transportation (Infinger), and Motion to Compel Complete Responses to Interrogatories and Requests for Production of Documents from Southern Bulk Haulers (Southern Bulk).<sup>2</sup> The Intervenor's have not responded to these motions. The Commission hereby grants in part and denies in part

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1. The Commission notes that Slay has also filed an Amended Motion to Compel. The Amended Motion to Compel adjusts the Applicant's requested deadline for responses from January 8, 1993, as stated the original Motion to Compel, to on or before twelve o'clock noon, on January 15, 1993.

2. At times, these two parties will be referred to collectively as Intervenor's.

various portions of these motions.

Motion to Compel.

The Applicant asserts that on October 7, 1992, it served its interrogatories and requests for production of documents on the Intervenor. The Applicant asserts that, as of the date of its Motion to Compel, the Intervenor's responses to its interrogatories are sixty-four (64) days overdue and the Intervenor's responses to its requests for production are forty-three (43) days overdue. In its Motions to Compel Complete Responses, the Applicant states it received unverified responses to its interrogatories and requests for production of documents on January 8, 1993. The Applicant asserts that, by agreement of counsel, the Intervenor is expected to provide verified responses on January 11, 1993.

The Commission concludes that, because the Intervenor has responded to Slay's discovery requests, it is unnecessary to rule on the Motion to Compel. However, Intervenor shall be required to provide a verified copy of their discovery responses at the office of Slay's attorney on or before twelve o'clock noon on January 15, 1993. The hearing in this matter is scheduled for January 21, 1993. Therefore, the Commission finds that the discovery responses and verification should be provided to Slay by this stated time in order to make the responses useful to the Applicant.

Motion to Compel Complete Responses from Infinger

The Commission has reviewed the thirteen (13) objections by Slay to Infinger's discovery responses and finds as follows:

1. Interrogatory No. 1. Infinger is required to state the substance of the testimony expected to be rendered by its witnesses. The Commission finds and concludes that this discovery material is relevant to the scope of this proceeding.

2. Interrogatory No. 2. Infinger is required to summarize the specific testimony or opinion testimony of any public or expert witness listed in response to this interrogatory. In addition, Infinger is required to provide the qualifications of any expert witness and the identification of any proceedings in which Infinger's expert witness has previously testified. The Commission concludes that this discovery material is relevant to the scope of this proceeding.

3. Interrogatory No. 7. The Commission finds that Infinger should identify the studies, surveys, or documents requested in this interrogatory at the time they become known to Infinger.

4. Interrogatory No. 9. The Commission finds that Infinger has substantially complied with this request and that no further response is required.

5. Interrogatory No. 10. The Commission finds that Infinger's response to this interrogatory is unclear. Infinger should state either affirmatively or negatively, if it knows, of any plans to alter its service should the Applicant obtain the requested authority.

6. Interrogatory No. 12. The Commission finds that Infinger should respond whether any of its drivers or vehicles have been placed out-of-service by the South Carolina Public Service Commission transportation officers. Infinger's response should not be limited to drivers or vehicles hauling intrastate shipments of chemicals in bulk.

7. Interrogatory No. 13. The Commission finds that Infinger should respond to this interrogatory and should not limit its response to intrastate reportable accidents.

8. Interrogatory No. 20. The Commission finds that, if it has access to this information, Infinger should be required to respond to this interrogatory.

9. Interrogatory No. 21. Infinger should respond fully to this interrogatory by stating the annual gross revenues it has derived from the transportation of chemicals, not just chemicals in bulk, for the past six (6) years.

10. Interrogatory No. 22. The Commission finds that Infinger should be required to fully respond to this interrogatory.

11. Request No. 1 and No. 2. The Commission concludes that Infinger should be required to produce all documents requested by these discovery requests, not simply citations or complaints regarding intrastate shipments of chemicals in bulk.

12. Request No. 3. The Commission finds that Infinger should directly respond to this request. If summaries or reports have not been prepared by expert witnesses, Infinger should so state.

The responses directed by this Order shall be provided to Slay at the offices of its attorney on or before twelve o'clock noon on January 15, 1993.

**Motion to Compel Complete Responses from Southern Bulk**

1. Interrogatory No. 1. Southern Bulk is required to state the substance of the testimony expected to be rendered by its witnesses. The Commission finds and concludes that this discovery material is relevant to the scope of this proceeding.

2. Interrogatory No. 2. Southern Bulk is required to summarize the specific testimony or opinion testimony of any public or expert witness listed in response to this interrogatory. Southern Bulk is required to provide the qualifications of any expert witness and the identification of any proceedings in which Southern Bulk's expert witness has previously testified.

3. Interrogatory No. 7. Southern Bulk should identify any studies which demonstrate the effect on this Intervenor if the Applicant receives its requested authority. These studies should be identified at the time they become known to Southern Bulk.

4. Interrogatory No. 9. The Commission finds that Southern Bulk has substantially complied with this request and that no further response is required.

5. Interrogatory No. 10. The Commission finds that Southern Bulk's response to this interrogatory is unclear. Southern Bulk should state either affirmatively or negatively, if it knows, of any plans to alter its service should the Applicant obtain the requested authority.

6. Interrogatory No. 21. Southern Bulk shall respond to this interrogatory by twelve o'clock noon on January 15, 1993.<sup>3</sup>

7. Request No. 3. The Commission finds that Southern Bulk should directly respond to this request. If summaries or reports have not been prepared by any expert witnesses, Southern Bulk should so state.

The responses directed by this Order shall be provided to Slay at the offices of its attorney on or before twelve o'clock noon on January 15, 1993.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)

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3. Southern Bulk has stated that it will provide the information sought by this interrogatory as soon as it is available.